

Application No. 09/425,308

1           10. (Amended) A structure for supporting and  
2 erecting screens according to claim 1 wherein  
3                 said screens can be seen through from only  
4 one side.

1           11. (Amended) A structure for supporting and  
2 erecting screens according to claim 4 further comprising  
3                 loops formed on said canisters at their  
4 bottom level to receive hooks of said screens.

REMARKS/ARGUMENTS

The rejection under 35 U.S.C. §112 is traversed. The Examiner arrives at conclusions not warranted by the description of the invention. On Page 5, line 9 of the description the tape is described as curved in cross-section. Such a tape when tied to element 23 has sufficient strength to raise the elements 12. These curved tapes, which are found in most measuring tapes, have considerable strength when restrained against bending toward its curved surface. This is the principle used in this structure and is viable.

In the event the Examiner persists in this rejection, it is respectfully requested that facts be presented that support his position. His statement of his beliefs that it cannot be done is insufficient in the

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face of the statements by the Applicant who has designed it.

The member 21 of Fig. 3 working against a rigid member 12a prevents the tape from buckling. How can the tape buckle when it is rigidly constrained in all directions?

The Examiner's position is not understood and is not tenable.

The Examiner's remarks concerning the vertical height of the screens are without merit. The length of the roll 8 equals the height of the fence(b)<sup>(6)</sup> above the floor 4. This fact is clearly seen in Figs. 3 and 3A and the specification at Page 4, lines 23 and 24.

Telescoping of the elements permits this feature. As to Channel 20, there is no need for it to extend beyond its illustrated location since the tape is otherwise supported. If the Examiner does not agree with this statement it is earnestly requested she express her opinion in detail.

The Examiner states that "it appears that an attempt is being made to recite the deck and patio." Not at all. They are recited only to give meaning to the concept of screening an area. It is respectfully requested that if the Examiner is still of the opinion that the patio etc. is claimed the Examiner clearly state

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his reasons for that opinion. In this claims by amendment the only reference is now to the structure. The structure as recited in line 1 of the claims and all subsequent references are now to the "structure."

As to a §102(b) rejection it is not permitted in this case. In a §102(b) rejection each and every recited element must be found in the reference. Not so here. Items of lines 15-17 are not found in the reference. The rejection is invalid.

Claim 2 has been amended to eliminate the expression "motive means," and plural screens has been corrected. For the record, the "motive means" may be a man.

The additional references do provide that which the Examiner says they do. The Examiner however ignores the claims in money material aspects. The structural limitations are ignored.

In Frye, the limitation "the top of said front legs attached to said base of said seat and the top of said back legs attached to the base of said back piece." In the current structure the legs are attached in the under side of the seat--not different "elements," and "the base of said head piece attached to the top of said back piece." In the present case the head and back are all one piece.

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Thus in many instances the references do not define the present invention.

Claims 3, 11 and 14 depend from claim 1 and are allowable therewith.

The rejection of claim 4 is traversed. None of the references disclose storage in shores.

As to claim 8, Salvador does not provide access to the hollow arm through a removable portion of the arm required by the claim. The padded areas are not part of the arms. Further, it appears evident (Fig. 3) that the structure provided to secure the pools completely fill the recesses to which they attach (see Fig. 3) so the area cannot be used for storage.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS SHOWING CHANGES MADE."

VERSION WITH MARKINGS SHOWING CHANGES MADE

In the claims:

- 1                 1. (Amended) A structure for supporting and  
2     erecting a screens about an area to be shielded  
3     comprising  
  
4                      canisters having a plurality of  
5     telescoping members,  
  
6                      means for supporting said canisters in a  
7     generally vertical position,  
  
8                      said members in a first position being at  
9     least partially retracted into its associated canister  
10    and in a second position extended at least partially  
11    beyond the canisters,  
  
12                  a screen roll containing a screen,  
13                  said screen in a first position ~~being~~ is  
14    retracted at least partially into said screen roll and in  
15    a second position extends out from said screen roll, and  
16                  means for supporting said screen in its  
17    second position between one or more of said members of  
18    said canisters in their second position.
  
  
- 1                 2. (Amended) A structure for supporting and  
2     erecting a screens according to claim 1 further  
3     comprising  
  
4                      motive means for moving said members  
5     between said first and second positions.

1               3. (Amended) A structure for supporting and  
2 erecting a screens according to claim 1 wherein  
3                         said canisters are at least partially  
4 supported by members of said structure of a deck having a  
5 railing and a floors, and  
6                         means for suspending said screen rolls  
7 horizontally below top of said structure the floor of the  
8 deck.

1               4. (Amended) A structure for supporting and  
2 erecting a screens according to claim 3 wherein  
3                         said screen rolls are supported parallel  
4 to an edge of and under top of said structure deck of a  
5 raised patio.

1               5. (Amended) A structure for supporting and  
2 erecting a screens according to claim 4 wherein  
3                         the patio has a railing, and  
4                         means are provided for raising said  
5 screens to at least the height of said railing.

1               6. (Amended) A structure for supporting and  
2 erecting a screens according to claim 1 wherein  
3                         said canisters are supported from the  
4 bottom to buried in the ground the top of the canister,

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5                   said canisters being spaced apart  
6                   approximately by the horizontal width of each screen.

1                 7. (Amended) A structure for supporting and  
2                 erecting a screens according to claim 1 further  
3                 comprising  
4                   means for tightly sealing the ends of the  
canisters against the elements.

1                 8. (Amended) A structure for supporting and  
2                 erecting a screens according to claim 1 further  
3                 comprising  
4                   means for selectively maintaining said  
5                 screens in at least one of said first and second  
6                 positions.

1                 9. (Amended) A structure for supporting and  
2                 erecting a screens according to claim 1 wherein  
3                   said screens are opaque.

1                 10. (Amended) A structure for supporting and  
2                 erecting a screens according to claim 1 wherein  
3                   said screens can be seen through from only  
4                 one side.

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- 1               11. (Amended) A structure for supporting and
- 2     erecting a screens comprising
- 3               loops formed on said canisters at ground
- 4     their bottom level to receive hooks of said screens.

Respectfully submitted,

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